



P/16-344 (DIV)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Akira TANIGUCHI et al.

Serial No.: 10/684,544

Group Art Unit: 3739

Filed: October 14, 2003

Examiner: John P. LEUBECKER

For: APPARATUS AND METHOD USING IT FOR DETECTING AND
DISPLAYING FORM OF INSERTION PART OF ENDOSCOPE INSERTED
INTO BODY CAVITY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER TO OBVIATE DOUBLE PATENTING
REJECTION (37 CFR §1.321(b))

Sir:

Interest of Person Making This Disclaimer

I, Max Moskowitz, of Ostrolenk, Faber, Gerb & Soffen, LLP, with offices at 1180 Avenue of the Americas, New York, New York 10036-8403, represent that I am a representative authorized to sign on behalf of the assignee identified below who owns all of the interest in this application.

The required fee accompanies this disclaimer (\$130.00 - Large Entity).

Identity and Title of Disclaimant

The assignee is:

Name of assignee: Olympus Corporation

Address of assignee: 43-2, Hatagaya 2-Chome, Shibuya-ku
Tokyo, Japan

Title of disclaimant authorized to sign on behalf of assignee: Attorney of Record

Recordal of Assignment in PTO

The assignment from Akira Taniguchi, et al. to Olympus Optical Co., Ltd. was recorded on August 3, 2000, at Reel 010995, Frame 0762. Said document has been reviewed and, to the best of the assignee's knowledge and belief, title is in the assignee.

The change of name from Olympus Optical Co., Ltd. to Olympus Corporation was recorded on January 20, 2004, at Reel 014891, Frame 0042. Said document has been reviewed and, to the best of the assignee's knowledge and belief, title is in the assignee.

Disclaimer

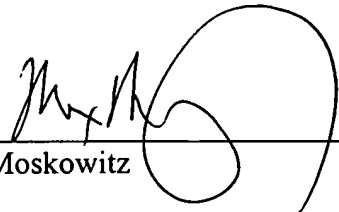
Max Moskowitz hereby disclaims the terminal part of any patent granted on the above-identified present application which would expire beyond the expiration date of the full statutory term of U.S. Patent No. 6,773,393; and

agrees that any patent so granted on the above-identified present application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,773,393, this agreement to run with any patent granted on the above-identified present application and to be binding upon the grantee, its successors or assigns; and

does not disclaim any terminal part of any patent granted on said above-identified present application that would extend to the full statutory term of U.S. Patent No. 6,773,393 in the event that said issued patent later expires for failure to pay maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term, except for the separation of legal title stated above.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: March 29, 2006



Max Moskowitz